

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1661 - SB 1673

January 19, 2022

SUMMARY OF BILL: Creates the new offense of “aggravated reckless driving” for committing the offense of reckless driving as currently established in Tennessee law while also intentionally or knowingly impeding traffic. Establishes the penalties for the new offense as a Class A misdemeanor and an additional fine of \$2,500.

Requires the proceeds from the additional \$2,500 fine for aggravated reckless driving to accrue to dedicated funds established by counties for the purposes of supporting various drug, alcohol, and mental health treatment and prevention efforts.

FISCAL IMPACT:

Increase Local Expenditures - \$33,100/FY22-23 and Subsequent Years*

Assumptions:

- The proposed legislation creates a new Class A misdemeanor offense of “aggravated reckless driving”, punishable by not greater than 11 months, 29 days incarceration and a fine of \$2,500. In addition, the court may impose an additional fine of \$2,500.
- The legislation defines the new offense as committing reckless driving, as currently established in Tennessee law, while also intentionally or knowingly impeding traffic.
- According to information provided by the Administrative Office of the Courts, between the fiscal years FY18-19 and FY20-21, the average annual number of convictions at the state level for reckless driving was 193.
- This analysis assumes that only 10 percent of misdemeanor convictions occur at the state level. Therefore, an estimated average of 1,930 convictions (193 state convictions x 10) for reckless driving occur statewide each year.
- It is not known how many of these offenders will commit the new offense of aggravated reckless driving by also intentionally or knowingly impeding traffic, but it can be reasonably assumed to be approximately two percent.
- Therefore, the average annual number of expected convictions for aggravated reckless driving is estimated to be 39 (1,930 x 2%).
- It is assumed that an individual convicted of a class A misdemeanor offense will spend an average of 15 days in a local jail.
- It is also assumed that an individual convicted of a class B misdemeanor offense will spend an average of one day in a local jail.

- Because individuals convicted of the new offense would otherwise spend an estimated 1 day in jail for the Class B misdemeanor offense of reckless driving, convictions of the new offense are estimated to increase the local jail time of offenders by 14 days (15-1).
- Based on cost estimates provided by local government entities throughout the state and reported bed capacity within such facilities, the weighted average cost per day to house an inmate in a local jail facility is \$60.69.
- Therefore, the recurring mandatory increase in expenditures to local governments to house offenders for the new offense of aggravated reckless driving is estimated to be \$33,137 (39 convictions x \$60.69 x 14) in FY22-23 and subsequent years.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is minimal due to defendants often not being able to pay them; therefore, any increase in local revenue from fines is estimated to be not significant.
- Based on information provided by the Administrative Office of the Courts and the Tennessee State Court Clerks Association, any increase in expenditures by state or local courts resulting from the proposed legislation will be absorbed within existing judicial resources; therefore, any fiscal impact to state or local courts is estimated to be not significant.

*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/jj